PLANNING APPLICATIONS FOR 18th FEBRUARY 2004 (EAST)

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BACKGROUND PAPERS

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Information section and Representations section with a report.

Any information referred to is available for inspection in the Planning Offices of the Council at the Compass Centre, Chatham Maritime, Chatham.

1 MC2003/0273

Date Received: 12th February 2003

Location: 15, Orchard Street, Gillingham, Kent, ME8 9AA

Proposal: Demolition of warehouse and store, construction of two and three storey blocks to comprise nine 1-bedroomed flats, six 2-bedroomed flats, seven 2-bedroomed maisonettes and two 3-bedroomed houses (total 24 units)

Applicant: Beechill Estates 3-5 London Road Rainham Gillingham Kent ME8 7RG

Agent: Mr D Stoneman Phillips Designs Victoria House 14 New Road Avenue Chatham Kent ME4 6BA

Ward: Rainham Central

Recommendation - Approval subject to

A) The applicants entering into a Section 106 Agreement/Obligation to secure the following:

- a contribution of £22,000 for provision of a pedestrian crossing to the High Street from Orchard Street along with 'real time' information displays at the High Street bus stops;

- a contribution of £20,550 to provide for improvements to secondary school education;

- a contribution of £10,848 for improvements to play and landscape provision at the Cherry Tree recreation area off Mierscourt Road; and

B) the imposition of the following conditions:

(As amended by letter dated 16th January 2004 and plan nos. 801/1g, 2g, 3g, 4g and coloured up perspective plans, all received on the 16th January 2004)

1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

2 Details and samples of any materials to be used externally and any means of enclosure shall be submitted to and agreed in writing by the Local Planning Authority before development is commenced and development shall be carried out in accordance with the approved details.

3 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved by the Local Planning Authority.

4 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority. The approved planting stock shall be maintained for a minimum period of five years following its planting and any of the stock that dies or is destroyed within this period shall be replanted in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

5 No dwelling hereby permitted shall be occupied until that part of the service road which provides access to it has been constructed in accordance with details submitted to and approved in writing by the Local Planning Authority.

6 No dwelling shall be occupied until space has been laid out within the site for cars to be parked (which shall include specific provision for disabled and secure parking for cycles/motorcycles and vehicle turning) in accordance with plans hereunder approved by the Local Planning Authority.

7 Vision splays of 2.0 metres x 2.0 metres shall be provided on both sides of the vehicular access points and no obstruction of sight more than 0.6 metres above carriageway level shall be permitted within the splays.

8 Prior to commencement of the development hereby permitted an investigation shall be undertaken to determine the nature and extent of any contamination. The results of the investigation together with a risk assessment by a competent person and details of a scheme to contain, treat or remove any contamination as appropriate, shall be submitted for the written approval of the Local Planning Authority. The approved scheme shall be fully implemented and a completion report issued by the competent person referred to above, stating how remediation has been completed and that the site is suitable for the permitted use, shall be provided to the Authority prior to first occupation of the development hereby permitted.

9 The development hereby approved shall be constructed at the heights and levels shown on the approved plans

10 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied and shall thereafter be maintained for the duration of the development. Development shall be carried out in accordance with the approved details.

11 Prior to the commencement of the development hereby permitted details of: the design, siting and means of construction for any drainage pipework or ducting to be fixed to the exterior of the building; and the constructional details for the junction between the brickwork cladding and the roof line of the gable ends, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with the details approved.

Site Description

The site lies within a mixed area comprising mainly residential development that is predominantly two storeys in height. The existing buildings on site facing onto Orchard Street, are being used for auction and car sales purposes on a temporary basis. Rainham shopping area is located a short distance to the north. Abutting the rear of the site to the east is a modern flat development at the end of Gatekeeper Chase while immediately opposite the site in Orchard Street there is a terrace of recently erected two storey houses with small dormers in their forward facing roof slopes.

Proposal

It is proposed to demolish all of the existing buildings on the site. Originally the intention was to redevelop the site to provide 34 flats, comprising 22 no: one bedroom flats and 12 no: 2 bed flats. The proposal has since been revised with the number of dwellings reduced to 24 with the accommodation amended to comprise 9 no: 1 bed flats, 6 no: 2 bed flats, 7 no: 2 bed maisonettes and 2 no: 3 bed houses.

The development will be set on the same forward line as the two storey terraced development abutting the site to the north east and has three main parts to it.

- There is the block fronting Orchard Street, which at its extremities is two storey and presents gable ends to the street scene. These rise up to narrow three storey flat roofed stair towers before connecting to two interlocking gable pitched roofs attached to a further flat roof element set back from the frontage beneath which is a opening providing vehicular access to a courtyard in which parking is to be provided. The design of the development seen from Orchard Street is symmetrical around the access point
- Behind this block there is a courtyard area giving access to open and undercroft parking for 26 cars with separate bicycle storage also provided.
- Finally the courtyard is contained on its south east sides by a further three storey block having interlocking gables connect by a three storey flat roof stair tower to a two storey block, also gable ended, that encloses the south west perimeter of the courtyard.

Site Area/Density

Site Area 0.2 hectares (0.49 acres)
Site Density 170 dph (69 dpa).

Relevant Planning History

MC2001/1148 Outline application for residential development
Resolution to approve subject to S106 obligation being entered into to secure Education contributions

MC2002/2118 Retrospective application for the change of use of land from warehousing Class B8 to household auction house Class B1 on part and from residential Class C3 to car sales outlet (sui generis) on the other part for a temporary period of one year and the erection of screen fencing and the placement on site of a temporary sales office
Approved 26 March 2003

Representations

The application has been advertised on site and in the press as major development. Neighbour notification letters have been sent to the owner/occupiers of 19-27 (consec) Gatekeepers Chase, 3-45 (odds) and 2-36 (evens) Orchard Street and 1-4 (consec) Hurst Place. 37, 11 and 14-40(evens) Orchard Street.

5 letters have been received raising the following objections to the proposal as originally submitted:

- the proposal represents overdevelopment with virtually no on site recreational space being provided
- the proposal completely disregards the original 'building line' set by 37 Orchard Street– sees no reason why this 'building line' should be disregarded – feels that this property is completely overshadowed by development while concerned that a line of trees along the boundary will not be allowed to grow up to cause further harm.
- the proposed design totally out of keeping with the locality which is partly characterised by terraced cottages and will give rise to severe loss of privacy, outlook and light to houses that abut and are opposite the site in Orchard Road.
- parking provision unacceptable while the 4 storey block at the rear of the site is wholly out of scale and character with adjoining development as the scale of development fronting Orchard Street.
- the principle of flats on this site wholly unacceptable in an area where family housing already predominates.

Development Plan Policies

Medway Local Plan (Adopted Version) 2003

Policy BNE1	(General principles for built development)
Policy BNE2	(Amenity protection)
Policy BNE23	(Contaminated land)
Policy H1	(New residential development)
Policy H3	(Affordable housing)
Policy H4	(Housing in urban areas)
Policy H5	(High density housing)
Policy L4	(Provision of open space in new residential developments)
Policy S4	(Landscape and urban design guidance)
Policy S6	(Planning Obligations)
PolicyT1	(Impact of development)
Policy T13	(Vehicle parking standards)

Planning Appraisal

Policy considerations:

There is already a commitment to grant outline planning permission to redevelop the site for residential purposes subject to a S106 agreement being completed to secure an education contribution. That resolution is still live and the signing of the agreement the permission will be issued. The principle of residential development on this site has therefore been accepted.

The adopted local plan allocates the site for residential development and identifies the site as lying on the line of the former Rainham Southern Relief Road (ref: GL:174). The Plan sets out a notional dwelling yield for the whole site as 26 units. However it should be stressed that this is an indicative capacity that is neither a target nor a maximum figure but merely reflects the Councils initial assessment of the site.

The application site also forms part of a much larger area that had a development brief prepared for it. However the development brief set out the following specific requirements for this area:

- The site is suitable for low-key vehicular uses such as flats or sheltered accommodation;
- The front elevation should be on the same building line and of the same character and scale as adjoining residential properties (albeit allowing for visibility splays);
- Care must be taken in the design not to dominate the rear of the adjoining residential dwelling in Orchard Street;
- There is a need for a 'focal' building since it provides a visual stop when viewed from Thames Avenue.

The development brief gives support to the development of the site for flats and reinforces the provision of PPG3 and policy H5 of the adopted local plan states, amongst other things, that low density development will not be permitted in or close to town centres, near existing or proposed public transport points or along routes well served by public transport and close to local facilities. Given the acknowledged proximity of this site to Rainham Town Centre, it is clearly a site where there is a need to maximise its development potential. In the circumstances there is considered to be no objection to the principle of the development mix now being proposed as it is considered to represent an appropriately wide response to the need to provide variety in the smaller units of accommodation. The proposal is therefore considered to meet the housing mix provisions of PPG's 1 and 3 and policies H1, H4 and H5 of the adopted local plan.

The proposal will therefore principally be assessed regarding its impact on the street scene, grain and character of the wider area and impact on amenities of occupiers of properties overlooking and abutting the site. In making a judgement on this latter point regard must be had to existing buildings and their current impact on buildings abutting the site.

Detailed design considerations:

Though PPG3 brings with it the requirement to maximise the development potential of land for residential purposes, there is the need to take into account the development

characteristics of adjoining land in order to avoid sharp contrasts. This is given further weight by the provisions of the development brief.

The key requirement in the development brief in design and siting terms is that the front elevation should be on the same building line and of the same character and scale as adjoining residential properties and should not to dominate the rear of the adjoining residential dwelling in Orchard Street. The judgement therefore that has to be made is whether what is proposed meets the requirements of the development brief.

Dealing first with the 'building line', immediately to the north east of the site there is a line of terraced houses that are set close to Orchard Street and the forward line of the proposal reflects this relationship. Immediately abutting the site to the south west is 37 Orchard Street, a detached dwelling, which is set further back from Orchard Street. Abutting 37 Orchard Street to the south east is a line of three terraced houses which front directly onto Orchard Street. It is therefore contended that given the predominance of development set close to Orchard Street that the proximity of the proposed development to Orchard Street reflects the main character of existing development patterns in the area and therefore meets the intentions of the development brief in this respect.

Turning to the design of the proposal, the proposed development will be visible in Orchard Street and Gatekeepers Chase. Dealing first with Orchard Street, currently the site is substantially open and fails to provide any real sense of enclosure to what is otherwise a fairly enclosed street scene. The proposal, by closing the gap, will help to reintroduce a sense of enclosure which can be seen to meet the townscape aims of the development brief by providing a 'focal' building acting as a visual stop to views from Thames Avenue.

The development brief also requires that development should be of the same character and scale as adjoining residential properties. It has to be acknowledged that the proposal could be seen to represent a change both in scale and design, compared to development immediately abutting and that approved opposite the site. However the development has sought to emulate, though in a stylised manner, the pitched roof design of two storey development abutting the site before stepping up to a three storey central element also under a pitched roof. There is considered to be a smooth transition from two to three storeys which is not compromised by the recessed full height flat roofed elements. Given these factors, the proposal is considered to be in scale with development abutting and opposite the site in Orchard Street.

The development is considered to represent an appropriate contemporary approach to design that will be complemented by the proposed palette of materials. This will be bring a substantial upgrade and improvement to the appearance of the site when seen from Orchard Street.

Concerns that the proposal lacks context and is therefore out of character with development in Orchard Street are not objections which can be sustained.

The development will also be viewed from the end of Gatekeepers Chase, a cul de sac, that has been developed as a 4 storey block of flats set at right angles to the proposed development. Views out from Gatekeepers Chase are currently partly terminated by the large pitched roof industrial building on site which is currently used for storage. This will be replaced with a building designed in a similar manner to that proposed for Orchard Street and as a consequence will bring about a substantial visual upgrade to the locality that can also be supported.

The proposal is therefore considered to meet the design and siting requirements of PPG's 1 and 3 and policies BNE1 and S4 of the adopted local plan.

Impact on development abutting the site.

Consideration here turns on whether the proposal can be seen to meet the adopted standards relating to the maintenance of outlook, daylight and sunlight for the occupiers of houses that abut the site in Orchard Street.

There are two properties principally affected, being the house immediately abutting the site to the north-east (11 Orchard Street) and 37 Orchard Street. Dealing first with 11 Orchard Street, there are principal rear facing ground and first floor windows in this property and the siting of the block closest to this boundary has been amended so that the proposal can be seen to substantially meet the requirements of the 45 degree guideline. The BRE standards have also been applied regarding the access of sunlight to the rear amenity area of this property. Though there will be some affect on the private amenity area of this property, given the amount of the rear garden that will remain unaffected it is considered that the impact of the development on this property is acceptable.

Regarding the impact on 37 Orchard Street, the block closest to this house projects in front of it. However application of the 45 degree guideline in relation to road facing windows serving this property reveals at worst, only a minor breach, which is not considered sufficient to warrant a refusal based upon any material adverse impact on this property.

The rear outlook from this property is already affected by a building running almost the full length of the rear garden and set just over metre in from the boundary. This building has an eaves height of 2.5 metres capped by a low pitched roof. The eaves height of the proposed development is 5 metres with a height to ridge of 7.1 metres and is to be set 2.9 metres in from the boundary. There will also be a break of 3.8 metres between front and rear blocks. Dealing with the block immediately abutting 37 Orchard Street, at the rear there is an acceptable 'flank to flank' with this house. The main concerns relate to the impact of the rear block that is clearly materially larger than the existing building. However given the set back of this block from the boundary and that it be sited to the north east, it is considered that its impact on the amenity and outlook of 37 Orchard Street, compared to the building it replaces, is acceptable.

Concern has also been raised that 37 Orchard Street will be subjected to loss of privacy due to the proximity of windows. At first floor level on this boundary there are two bedrooms that are shown to have windows facing directly onto the blank flank wall of this property. There is considered to be no material loss of privacy raised by this.

The site also backs onto 3 Hurst Place. Though the bulk and impact of the development compared to the scale of existing buildings will increase, given their orientation, it is considered that the proposed relationship with this property remains acceptable both in outlook and privacy terms.

The proposal is therefore considered to meet the requirements of policies BNE1 and BNE2 of the adopted local plan.

Highway and parking considerations:

The reduction in the number of units to 24 served by 26 car parking spaces, the proximity of the site to Rainham Town Centre with its services and public transport opportunities and that a designated secure cycle storage area has been shown to be provided, means that the proposed parking provision is acceptable and can be seen to meet the requirements of PPG13 and policy T13 of the adopted local plan. However given the pedestrian flows that are likely to be generated by the development, it is considered that a developer contribution is required to support provision of a pedestrian crossing to the High Street from Orchard Street along with 'real time' information displays at the High Street bus stops. The 'real time' displays require a contribution of £7000, the pedestrian crossing £15,000, making a total contribution of £22,000 that will need to be the subject of a S106 Legal Agreement.

Educational contributions:

Had the outline planning permission to develop this site for housing been issued it would have been made the subject of a legal agreement requiring a sum of £1370 to be paid for every unit having two bedrooms or more to provide for secondary education. Given this commitment the level of educational contribution will be calculated at 15 x £1370 giving a total of £20,550 to be sought as part of a S106 Legal Agreement.

Recreational provision:

Policy L4 of the adopted local plan brings with it a requirement that for small residential developments between 50 and 100 persons that children's play provision will be provided on site. However given the development proposed, it is clearly not possible to make such provision on site without reducing the dwelling yield which would both affect the viability of the development as well as negatively impacting on the design and scale. However the Cherry Tree recreation area off Mierscourt Road requires improvements. Given its proximity to the site and that it is likely to be used by children living within the proposed development it is considered that a sum of £10,848 is required to fund improvements to area which will also need to be obtained as part of a Section 106 Legal Agreement.

Site contamination:

The past use of the site may have resulted in some form of contamination which may still be present. In the circumstances it is considered appropriate to impose a condition to ensure that this issue is satisfactorily addressed.

Recommendation

It is considered that the proposal permits the redevelopment of this 'brownfield' site in a manner that maximises its development potential in line with the requirements of PPG3 and polices contained within the adopted local plan while continuing to respect the provisions of the development brief approved for the site. Furthermore it will substantially improve the character and setting of this part of Orchard Street while paying appropriate regard to safeguarding the amenities of properties close to and abutting the site. Subject therefore to the applicants entering into a S106 Legal Agreement to secure contributions for education, recreational, transport and pedestrian improvements to the local area, the proposal represents a balanced approach to the redevelopment of this site that is considered worthy of support.

[This application was considered by Members at the Area Development Control Sub-Committee East on the 22nd October 2003 when it was determined to defer a decision at the Officer's request to enable further discussions to be held with the applicant's agent re matters of detailed design.

Following these discussions amended plans have been received which show the substitution of brickwork for tiles on the gable ends with the recessed flat roofed elements being faced with interlocking cedar board cladding. It is considered that these changes to the exterior treatment of the development will help to soften its appearance and thus reduce any potential for it to become unduly prominent within the street scene. An interesting part of the overall design of the scheme will be the building's clean lines with the general absence of external drainage pipes etc. To avoid the design of the building being comprised by the addition of exterior drainage arrangements during the construction of the development it is recommended that a condition (Condition 11) is imposed on any forthcoming planning permission requiring the submission of any such details prior to the commencement of the development.]

The applicants have submitted further plans that they consider takes the development down a more traditional route. The changes are:

1. The large windows have now been changed to triple casement windows, their dimensions have also been changed so that they are similar to the new development currently being constructed on the furthest corner of Orchard Street.

2. Extra brick detailing has been added surrounding the lintels over all doors and windows.

3. The horizontal fencing surrounding the scheme is now shown as vertical timber fencing.

4. The railings to all the sliding doors have been changed from a simple horizontal bar to a more detailed vertical railing.

5. Lead work has been shown on all doors and windows.

6. The overall height of the roofs has been dropped by 300mm allowing a parapet to the front and rear elevations.

7. Gutters now take water from a hole in the parapet under each valley, dividing up the previously flat elevations.

8. Brick has been shown on all elevations in a traditional Flemish bond.

9. The windows to all bathrooms and toilets have been increased in size to reflect the changed dimensions of the main openings.

[This application was considered by Members at the Area Development Control Sub-Committee East on the 3rd December 2003 when Members requested that it be deferred for further negotiations to take place.]

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2 MC2003/0750

Date Received: 7th April 2003

Location: Land between 257 & 259 Luton Road & 46-48 (garage block) Constitution Road, Chatham, Kent.

Proposal: Construction of a terrace of three 2-bedroomed dwellings fronting Constitution Road; and one block of two 2-bedroomed flats to front onto Luton Road (demolition of existing garage block)

Applicant: Waller Building Services Pheasant Farm Sheppyway Bobbing Sittingbourne Kent ME9 8QX

Agent: Mr D Geransar 4 Watts Avenue Rochester Kent ME1 1RX

Ward: Luton & Wayfield

Recommendation - Approval with Conditions

(As amended by plans received on the 6th November 2003 and 5th January 2004, letter dated 6th May 2003 and amplfiied by letter received on the 10th June 2003 and letter dated 23rd July 2003.)

1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

2 Details and samples of any materials to be used externally and any means of enclosure shall be submitted to and agreed in writing by the Local Planning Authority before development is commenced and development shall be carried out in accordance with the approved details.

3 In relation to the dwellings hereby approved fronting Constitution Road and Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development within Part 1 Classes A, B, C and E of the Second Schedule to the Order shall be carried out on the site without the prior written approval of the Local Planning Authority.

4 Prior to commencement of the development hereby permitted an investigation shall be undertaken to determine the nature and extent of any contamination. The results of the investigation together with a risk assessment by a competent person and details of a scheme to contain, treat or remove any contamination as appropriate, shall be submitted for the written approval of the Local Planning Authority. The approved scheme shall be fully implemented and a completion report issued by the competent person referred to above, stating how remediation has been completed and that the site is suitable for the permitted use, shall be provided to the Authority prior to first occupation of the development hereby permitted.

5 No dwelling shall be occupied until space has been laid out within the site for cars to be parked in accordance with plans approved by the Local Planning Authority.

6 The off street parking spaces serving the dwellings hereby approved facing onto Constitution Road shall have minimum internal dimensions of 2.4 by 4.8 metres.

7 Where any part of the proposed development is exposed to road traffic noise in excess of the standards set out in Policy BNE3 of the Medway Local Plan 2003 details of sound attenuation measures shall be submitted to and approved in writing by the Local Planning Authority before development commences. The approved measures shall be installed before first occupation of the development hereby approved and retained as such at all times thereafter.

8 The development to be built at the levels shown on the approved plans.

9 Before the development hereby approved is occupied a 2 metre high boundary fence shall be constructed along the south west boundary of the dwellings approved fronting Constitution Road.

10 Before first occupation of the dwellings fronting Luton Road takes place, provision shall be made for the secure on site parking for bicycles to serve each dwelling.

11 At no time shall garage doors be placed across the entrance to the integral parking spaces serving the dwellings approved in Constitution Road.

Site Description

The site has two distinct parts, that area fronting Luton Road and that facing onto Constitution Road. The part of the site fronting Luton Road is set well above road level and separated from it by a high retaining wall. It comprises an area of sloping undeveloped land flanked by an end of terrace unit to the west that has been converted into flats. Flanking the site to the east is a house attached to a terrace of houses.

The site continues to slope steeply up to Constitution Road and at the upper level fronting Constitution Road there is a row of 5 lock up garages used for the storage of materials and as workshops abutted by terraced houses on both east and west boundaries.

Proposal

The proposal involves the reconstruction of the retaining wall fronting Luton Road with separate flights of steps to serve the existing flats at 257 Luton Road and the new flats fronting onto Luton Road. The steps will be inset into the retaining wall.

The proposed building fronting Luton Road will provide 2 no: two bedroom flats. The proposal also shows the rear area separated to provide amenity area for both the proposed flats and the existing flats in 257 Luton Road. Bin and cycle storage will be provided within the site.

At the upper site level fronting Constitution Road the existing garages are to be demolished and replaced by a terrace of 3 no: two bedroom houses, two storeys in height facing onto the road but three storeys at the rear to take into account level changes.

No on site parking is shown to be provided for the proposed development facing onto Luton Road. However integral parking at one space per unit is proposed for the terraced houses fronting Constitution Road.

In addition the applicants advise that the garages fronting Constitution Road were formerly used by a builder for the storage of material and workshops and are not available for domestic parking purposes.

Site Area/Density

Site area: 0.07 ha (0.17 acres).
Site density: 71 d.p.h (29 d.p.a)

Relevant planning history:

MC2000/1740 Conversion of 257 Luton Road to form two self contained flats
Approved 7th March 2001

Representations

The application has been advertised by way of a site notice. The owner/occupiers of the following properties have been notified of the proposal: 44-52 (evens) & 77-95 (odds) Constitution Road & 253, 255, 259, 261, 263, 263a, 265 and 214 – 230 (evens) Luton Road..

4 letters have been received raising the following objections to the plans originally submitted:

- Concerned over lack of on site parking and the additional demand for parking in Constitution Road where there is already on street parking conflict.
- Constitution Road used as a 'rat run' and additional on street parking will interfere with the free flow of traffic and highway safety generally.
- Loss of privacy to houses abutting the site in Constitution Road and the potential for noise and disturbance.

Following re-consultation on the amended plans one letter has been received raising the following objections:

- The number of proposed dwellings in Constitution Road is not the problem but the proposed lack of on site parking which will greatly add to existing parking conflict which will result in a deterioration in conditions of local highway safety and the free flow of traffic.

Development plan policies

PPG1, PPG3, PPG13

Kent Structure Plan 1996:

Policy ENV15 Quality and function of Kent's Built Environment

Medway Local Plan 2003:

Policy S4 Landscape and urban design guidance

Policy BNE1	Built Development
Policy BNE2	Amenity Protection
Policy BNE3	Acoustic protection
Policy BNE23	Contaminated Land
Policy H1	New residential development
Policy H4	Housing in Urban Areas
Policy H5	High Density Housing
Policy T1	Impact of development
Policy T13	Vehicle Parking Standards

Kent and Medway Structure Plan (Deposit Version) 2003:

Policy QL1	Quality of development and design
Policy QL5	Quality and density of development

Planning Appraisal

The key considerations are whether the proposal is acceptable in its

- design impact,
- affect on the street scene
- affect on neighbouring properties.
- Impact on parking,
- Impact on highway safety,
- aural amenity and
- site contamination considerations.

General Policy Considerations:

The site lies within the built up area of Chatham and is subject to the requirements of Government guidance set out in PPG3 to maximise the use of land that comes forward for residential development and this is reflected in policy H5 of the Medway Local Plan 2003. The main consideration in relation to this site is whether the development proposed can be undertaken without materially affecting the character and amenities of the locality while providing a reasonable level of residential amenity for the occupants of the proposed dwellings. In making a judgement on this issue PPG3 makes clear that sharp contrasts in development should be avoided and that there is a requirement to take into account development patterns on adjoining land.

Detailed design and siting considerations:

Dealing first with the proposed development fronting Luton Road, the site currently presents a significant break in an otherwise substantially developed road frontage and it is considered that the principle of infilling this gap and restoring a semblance of enclosure to the street scene is to be supported. No objection is identified to the alterations to the retaining wall to provide improved flights of steps to the existing flats at 257 Luton Road and the proposed development for two flats.

The design of the proposed building, though it is detached from 257 Luton Road, given its narrow frontage, close proximity to the boundary and overall proportions and detailing means that it will ‘read’ as a continuation of the adjoining terrace and no objection is identified in design terms.

Regarding the impact on existing houses abutting the site, the proposed 'flank to flank' relationship with these properties is acceptable. This has been greatly assisted by the reduction in size of the rear projection and reorientation of windows to prevent overlooking into 259/261 Luton Road, the property abutting the site to the south-east.

Turning to the proposed terrace fronting Constitution Road, it is understood that the existing garages are not available for general car parking and have not been used as such for a considerable period. Furthermore their design and siting detracts from the Constitution Road street scene and represents a substantial visual break which undermines the domestic scale and enclosure afforded by nearby development and which is a characteristic of the locality.

Design revisions to the terrace means that the character of the proposed development now more reflects the proportions and detailing of the terraced houses abutting the site on both flank boundaries while introducing a sense of enclosure to the site. The proposed 'flank-to-flank relationship with existing development is now also acceptable. The solution to parking has been the introduction of integral on site parking with parking bays set into the front of the dwellings. Though this does introduce a void at ground floor level (the installation of garage doors being unacceptable on highways grounds), this is considered an acceptable design response to the prevailing circumstances.

The 'back to back' distance between the higher level development in Constitution Road and existing and proposed development fronting Luton Road reflects the existing development patterns in the locality while still substantially achieving the adopted block spacing set out in the Kent Design Document. However in order to maintain control over the impact and scale of the development on its surroundings a condition requiring the development to be built at the levels shown on the approved plans should be imposed.

Though the amenity area serving the two flats in Luton Road will be overlooked, it is considered that the erection of a 2 metre high rear boundary fence will provide a sufficient 'privacy shadow' giving a reasonable degree of protection from overlooking from windows at the rear of the proposed houses in Constitution Road.

In order to avoid over-development of what are relatively restricted sites for the proposed houses in Constitution Road a condition should also be imposed withdrawing 'pd' rights to extend the houses and to erect outbuildings.

Given the above, it is considered that the proposed development can be seen to maximise the development potential of this part brownfield site in a manner that can be seen to meet the density requirements of PPG3 and policy H5 of the adopted local plan. It also permits a visually acceptable solution to the constraints imposed by this site and can be seen to comply with the design and siting requirements of PPG's 1 and 3 and policy S4 and BNE1 of the adopted local plan.

Highway and parking considerations:

Dealing first with the proposed development fronting Luton Road. When planning permission was granted to convert 257 Luton Road into two flats, the requirement to provide on site parking was set aside. This was in recognition of the visual harm in providing this on the frontage, harm to the free flow of traffic and highway safety due to conflicting vehicle movements in Luton Road and the proximity to local services and public transport. Given that

the same set of conditions can be seen to apply here there continues to be no overriding requirement to provide on site parking.

In relation to Constitution Road, it is understood that the existing garages are not available for use by local residents and that this has been the case for some time. The existing commercial use of the garages also generates its own traffic while being likely to contribute to parking conflict in the locality. Furthermore the road frontage in front of the garages cannot currently be used for on street parking by local residents. Consequently the loss of the garages and the commercial traffic that could be generated by them will, it is considered, result in no worsening of local highway or parking conditions compared to the proposed development which is shown to have integral open fronted parking areas for 1 car per dwelling. Having regard to parking conflict within the locality it considered essential that such on site provision is made.

Given the overall level of parking provision to serve the proposed development including a requirement for cycle storage, it is considered that the proposal would not result in any material change in local highway or parking conditions in the locality to the detriment of the free flow of traffic and highway safety contrary to the provisions of policies PPG13 and policies T1and T13 of the adopted local plan.

Site contamination and road traffic noise impacts:

The commercial use of the garages may have resulted in the site being contaminated requiring remediation measures. However this concern can be dealt with by condition in order to ensure that the provisions of policy BNE23 of the adopted local plan can be seen to be met.

Regarding road traffic noise this issue affects the proposed dwellings fronting Luton Road. The conversion of 257 Luton Road to two flats was made conditional requiring the submission of sound attenuation measures to affected habitable rooms. The almost identical siting of the proposed flats in relation to Luton Road means that such a response is equally appropriate to the current circumstances in order to meet the provisions of policy BNE3 of the adopted local plan.

Conclusion:

Both PPG3 and policies contained in the adopted local plan support the recycling of 'brownfield' land for housing purposes and the need to maximise the use of such land where it becomes available. It is considered that this proposal makes a positive housing contribution and in relation to the development proposed at Constitution Road will result in the removal of an unsightly block of garages and potentially unneighbourly commercial uses bringing design improvements and amenity improvements to the locality. Furthermore the proposal is considered acceptable on highway and parking grounds and in the circumstances it is considered that the balance of issues falls in favour of the proposal which is accordingly recommended for approval.

The application would normally be determined under delegated powers but is being referred to committee due to the number of representations received contrary to the recommendation.

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3 MC2003/1782

Date Received: 21st August 2003

Location: Phase 3, Mariners View, Gads Hill, Gillingham, Kent

Proposal: Construction of a three storey block comprising ten 2-bedroomed flats and associated parking

Applicant: Brenchley Homes Limited Unit 4 Ebbsfleet Industrial Estate Stonebridge Road Northfleet DA11 6DZ

Agent Howard Associates Parkfield, Rag Hill Tatsfield Westerham Kent TN16 2LS

Ward: Gillingham North

Recommendation - Approval subject to:

A) Grant of planning permission subject to the applicants entering into a Section 106 Legal Agreement/Obligation to secure the following:

i) The sum of £38,528 towards primary/secondary school provision;

ii) The sum of £5,514 to fund improvement works required at The Strand children's play areas; and

B) the following conditions:

(as amplified by letter dated 20th January 2004)

1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

2 Details and samples of any materials to be used externally shall be submitted to and agreed in writing by the Local Planning Authority before development is commenced and development shall be carried out in accordance with the approved details.

3 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved by the Local Planning Authority and these works shall be carried out as approved. These details shall include hard landscaping works including boundary treatments. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and implementation programme.

4 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part

of the development or in accordance with the programme agreed with the Local Planning Authority. The approved planting stock shall be maintained for a minimum period of five years following its planting and any of the stock that dies or is destroyed within this period shall be replanted in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

5 No dwelling hereby permitted shall be occupied until that part of the service road which provides access to it, the car parking areas and the pedestrian footpath to the front have been surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority.

6 The area shown on the permitted drawings for vehicle car parking shall be kept available for such use and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

7 Vision splays of 2.0 metres x 2.0 metres shall be provided on both sides of the vehicular access points and no obstruction of sight more than 0.6 metres above carriageway level shall be permitted within the splays.

8 Prior to commencement of the development hereby permitted an investigation shall be undertaken to determine the nature and extent of any contamination. The results of the investigation together with a risk assessment by a competent person and details of a scheme to contain, treat or remove any contamination as appropriate, shall be submitted for the written approval of the Local Planning Authority. The approved scheme shall be fully implemented and a completion report issued by the competent person referred to above, stating how remediation has been completed and that the site is suitable for the permitted use, shall be provided to the Authority prior to first occupation of the development hereby permitted.

9 Prior to the commencement of the development, details of existing and proposed site levels, including cross sections through the site and height relationship with adjacent properties, shall be submitted to and approved in writing by the Local Planning Authority and the development shall be undertaken in accordance with the details approved.

10 Before the development commences an acoustic survey shall be carried out to determine all habitable rooms exposed to road traffic noise in excess of the levels specified in Policy BNE3 of the Medway Local Plan 2003. A scheme of sound attenuation shall then be submitted for prior approval in writing by the Local Planning Authority and the approved measures shall be installed before first occupation of the development hereby approved and retained as such at all times thereafter.

Site Description

The site (which is currently owned by the Council) fronts Gads Hill abutting the access to the former Pelican Works, the site of which is now in the process of being redeveloped for

housing and which has been substantially completed. The area immediately to the east of the application site has been redeveloped for terraced housing approved as part of the redevelopment of the former Pelican Works site. To the north of the site and at lower level there is Waterside Lane comprising a development of mainly terraced houses.

Immediately fronting the site is Gads Hill, a dual carriageway, fronted on its southern side by The Ship, a Grade II Listed Building while further to the east Gads Hill is fronted by a mix of long established commercial and residential premises.

Proposal

The proposal involves the redevelopment of the site to provide a total of 10 no: 2 bedroom flats to be provided in a single three storey block sited initially to continue the forward and rear projection of the terraced housing immediately abutting the site to the east but subsequently having a staggered configuration following the curve of Gads Hill where it fronts the site.

The design of the block fronting Gads Hill shows a conventional design having a shallow pitched roof though with two large glazed forward projecting stair towers. The end (corner) elevation facing back westwards shows a gabled end punctuated by a number of windows with an octagonal tower feature at the north east extremity of the block.

The rear facing elevation towards Waterside Lane shows a three storey elevation punctuated by numerous, mainly regularly, spaced windows with cantilevered balconies to the first and second floor level to serve the living areas of the proposed flats.

The development is to be served by a total of 10 parking spaces, 6 of which are to be provided in a landscaped forecourt area to the rear of the flats with the remainder, including an area for secure cycle storage, provided in an undercroft parking area.

The submitted plans also indicate that the block will be surrounded by narrow landscaped open areas.

Site Area/Density

Site area: 0.09 ha (0.22 acres).
Site density: 111 d.p.h (34 d.p.a)

Relevant planning history:

MC2000/1347 Outline application for the demolition of the factory building and the erection of three blocks of 2,3 and 4 storeys to provide 52 two bedroomed and 4 one bedroomed flats and 82 car parking spaces. Withdrawn 4th June 2001

MC2001/0791 Demolition of factory and construction of 24 house and carports Approved 16th May 2002

Representations

The application has been advertised by way of a site notice and the owner/occupiers of the following properties have been notified of the proposal: The Ship Inn, Court Lodge Road, 1-7 (odds) Gads Hill, 99-110 Waterside Lane

5 letters have been received objecting to the application on the following grounds:

- the redevelopment of this site for flats has already been rejected and does not consider that there has been any change in circumstances to justify granting planning permission now;

- consider that the development that has already taken place at Mariners View already has a severe impact on the outlook and amenities of the occupants of houses in Waterside Lane and the proposed development will add considerably to the noise and disturbance already experienced;

- will appear out of character and will not complement the development that has already been permitted on the site – see no reason why the pattern of the development permitted on the adjoining site should not be continued on this site as well;

- will result in loss of sunlight and privacy to properties to the north of the site in Waterside Lane and represent a substantial overdevelopment of this area of land; and

- the proposed parking provision is not sufficient and will encourage on street parking nearby to the detriment of local highway safety and parking conditions.

Development plan policies

PPG1, PPG3, PPG13, PPG24

Circular 1/97; Planning obligations

Kent Structure Plan 1996:

Policy ENV1	Quality and function of Kent's Built Environment
Policy ENV19	Listed Buildings

Medway Local Plan 2003:

PolicyS4	Landscape and urban design guidance
Policy BNE1	Built Development
Policy BNE2	Amenity Protection
Policy BNE3	Acoustic protection
Policy BNE18	Setting of Listed Buildings
Policy BNE23	Contaminated Land
Policy H1	New residential development
Policy H4	Housing in Urban Areas
Policy H5	High Density Housing
Policy L4	Provision of open space
Policy S6	Planning obligations
Policy T1	Impact of development
Policy T13	Vehicle Parking Standards

Kent and Medway Structure Plan 2003:

Policy QL1:	Quality of development and design
Policy QL5:	Quality and density of development
Policy QL9:	Buildings of architectural or historic importance

Planning Appraisal

The key considerations are whether the proposal is acceptable in terms of:

- design,
- effect on neighbouring properties
- effect on the street scene in general.
- parking,
- highway safety,
- aural amenity and
- site contamination considerations.

General Policy Considerations:

The site lies within the built up area of Gillingham and is subject to the requirements of Government guidance set out PPG3 designed to maximise the use of land that comes forward for residential development and which is reflected in policy H5 of the Medway Local Plan 2003. The main consideration in relation to this site is whether the development proposed can be undertaken without materially affecting the character and amenities of the locality while providing a reasonable level of residential amenity for the occupants of the proposed dwellings. In making a judgement on this issue PPG3 makes clear that sharp contrasts in development should be avoided and that there is a requirement to take into account development patterns on adjoining land.

Notwithstanding the above it is considered that there is no objection to the redevelopment of this site for flats in principle subject to the normal design and siting criteria being met.

Detailed design and siting considerations:

Dealing first with the impact of the proposed development on the Gads Hill street scene, the area of land immediately to the east has been redeveloped for terraced housing and terms of design and scale the current proposal represents a departure from this in terms of ridge and eaves heights and general detailing. Nevertheless, though PPG3 generally discourages inappropriately sharp contrasts in design terms, this is a judgement that has to be based on individual site circumstances. In this case, given its prominent position in relation to Gads Hill it is considered it represents a site where development should provide a clear terminating function. In terms of overall design articulation, staggered siting of the blocks, use of materials and the glazed stair towers all assist in this respect while the principal end elevation with its octagonal tower feature (a device that has already been used in the earlier development phase of the site) assist in giving the development sufficient design merit to justify its siting in a prominent position on the street scene. The design of the rear elevation has been improved by the use of the cantilevered balconies and also meets the necessary design quality threshold.

Regarding the impact on existing development abutting the site to the east, the proposed 'flank to flank' relationship with these properties is acceptable.

Concerns have been raised that the 'back to back' distance between the existing dwellings set at a lower level in Waterside Lane and that being proposed is insufficient to prevent the development becoming overly dominating and enclosing on the outlook and amenities of houses in Waterside Lane while resulting in an unacceptable erosion in privacy and sunlight levels. There is no question that the proposed development occupies an elevated position in relation to these properties. However except at the western extremity the relationship with properties in Waterside Lane continues to substantially reflect that which has already been permitted in the earlier development phase of the site in terms of distance and block heights. However even at the western end of the development, the 'worst case back to back' distance with properties in Waterside Lane continues to substantially exceed the adopted minimum block spacing and privacy guidelines with distances in excess of 40 metres. Concerns have been raised regarding loss of sunlight to properties to the north of the site in Waterside Lane and set at a much lower level than the application site. However the BRE sunlighting standards have been applied but no breach with the adopted standards has been identified.

A point that has been raised is that redevelopment of the site will result in loss of outlook to The Ship public house, a Grade II Listed Building on the opposite side of Gads Hill. It is considered however that the proposed development is sufficiently far away to avoid any material ham to the character or setting of this Listed Building while any views that may be available from The Ship across the application site to the estuary beyond are not 'protected' views and cannot warrant an objection being raised to the development on these grounds. The proposal can therefore be seen to comply with policy ENV19 of the Kent Structure Plan 1996, BNE18 of the Medway Local Plan 2003 and policy QL9 of the Kent and Medway Structure Plan (Deposit Version) 2003.

Given the above, it is considered that the proposed development can be seen to maximise the development potential of this 'brownfield' site in a manner that can be seen to meet the density requirements of PPG3 and policy H5 of the adopted local plan. It can also be seen to comply with the design and siting requirements of PPG's 1 and 3, policy ENV15 of the Kent Structure Plan, S4 and BNE1 of the adopted local plan and QL1 and QL5 of the Kent and Medway Structure Plan 2003:

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Highway and parking considerations:

Dealing with the additional use of the existing access onto Gads Hill, peak hour traffic generated by a development of this size feeding onto the one way dual carriageway towards Gillingham will not, it is considered, result in a material erosion in the free flow of traffic and highway safety in the locality.

Regarding the proposed parking provision, given the type and size of the properties proposed, the proximity to local services, public transport and provision of on site cycle parking, it is considered that this will be sufficient to meet the parking requirements set out in PPG3 and PPG13.

The proposal is therefore considered to meet the provisions of PPG3 and PPG13 and policies T1and T13 of the adopted local plan.

Site contamination and road traffic noise:

The past use of the site may have resulted in some contamination requiring re-mediation. This can be achieved by condition as a means of ensuring that the provisions of policy BNE23 of the adopted local plan are met.

Road traffic noise also needs to be addressed. However the imposition of a condition requiring the submission of sound attenuation measures to affected habitable rooms will ensure that the provisions of policy BNE3 of the adopted local plan is met.

Planning obligations to secure educational and recreational provision:

Circular 1/97 and policy S6 of the adopted local plan make it possible to ensure that the wider impact of the development on the community is taken into account so that the appropriate community infrastructure is made available to support the proposed development.

The current proposal brings a requirement for developer contributions for both primary and secondary school place provision. The sums involved are £31,200 for primary and £13,600 for secondary school provision totaling £44,800 that will need to be made the subject of a S106 legal agreement. However the applicants has contested this amount. In his view the method of calculating contributions is crude while failing to take into account that the pupil product multiplier from flats compared to houses is likely to be less. A lesser contribution of £38,528 has been offered. Taking into account the size and nature of the proposed properties, the difficulty in developing 'brownfield' sites and that this developer has already paid contributions relating to development of the adjoining land, it is considered that the contribution offered reasonably reflects the current circumstances.

There is also insufficient space to provide on site recreational provision. In such circumstances consideration has to given as to what off site provision can be made. The nearest Council run play area with reasonably safe pedestrian access likely to be used by children from this development is that at The Strand. This area requires equipment upgrading and a developer contribution of £5,514 will be sought to meet the costs of carrying out this work and which will also need to be secured by a Section 106 legal Agreement.

Conclusion:

It is considered that the proposal permits the redevelopment of this 'brownfield' site in a manner that maximises its development potential in line with the requirements of PPG3 and polices contained within the adopted local plan. Furthermore it is considered that it will assist in improving the character and setting of this part of Gads Hill while paying appropriate regard to safeguarding the amenities of properties close to and abutting the site. Subject therefore to the applicants entering into a S106 Legal Agreement to secure contributions for education and recreational provision the proposal is considered to represent a balanced approach to the redevelopment of this site that is considered worthy of support.

The application would normally be considered under delegated powers but is being referred to committee as a result of the number of representations received contrary to the recommendation.

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4 MC2003/1990

Date Received: 18th September 2003

Location: 55 Green Street, Gillingham, Kent, ME7 1AE

Proposal: Recladding and redesign of existing building and extension in height to four storeys, erection of lift tower and stairwell at rear, conversion of the extended building into 16 bedsits with ancillary dining/cafe area and erection of a two-storey addition to provide covered parking with offices above.

Applicant: NSN 55 Green Street Gillingham Kent

Agent: Mr S Chudha Tudor Contracts 55 Green Street Gillingham Kent ME7 1AE

Ward: Gillingham South

Recommendation - Approval with Conditions

(as amended by plans and letter received on the 11th November 2003)

1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

2 Details and samples of any materials to be used externally shall be submitted to and agreed in writing by the Local Planning Authority before development is commenced and development shall be carried out in accordance with the approved details.

3 The use shall not commence until space has been laid out within the site for cars to be parked in accordance with plans hereunder approved by the Local Planning Authority.

4 Prior to the commencement of the development hereby permitted a scheme to minimise the transmission of (a) airborne, structure borne and re-radiated noise; and (b) vibration; shall be submitted in writing for the approval of the Local Planning Authority. All works which form part of the approved scheme shall be completed before any part of the development comes into operation and thereafter maintained for the duration of the use.

5 Before the development commences an acoustic survey shall be carried out to determine noise from nearby commercial activities. Any necessary scheme of noise attenuation shall be submited in writing or prior approval by the Local Planning Authority. All works which form part of the approved scheme shall be completed before the first use of the site and thereafter maintained for the duration of the use.

Site Description:

The application site is occupied by a three storey flat roofed building that was last in use as a soft play activity area at ground floor level with offices above. At the rear there is a parking area with access off the service road abutting the site to the north and also providing rear access to properties fronting onto the High Street.

The building faces onto Green Street and is set a short distance to the south of Gillingham High Street though Green Street has no vehicular access to the High Street. Immediately abutting the site to the south is the three storey post office building capped by a mansard roof while immediately opposite the site is the Salvation Army Meeting Hall to the south of which is a bingo hall. To the north of the Salvation Army hall there is a further building fronting Green Street having A1 uses at ground floor with a martial arts club above.

The immediate area is characterised by a mix of commercial/community type uses with buildings fronting onto Green Street comprising a mix of two and three storey buildings of varied design.

Proposal:

The proposal has been amended and the intention now is to completely reclad the existing three storey building fronting Green Street while providing another floor using a lightweight steel clad frame.

The intention is that the building will be used to provide a bed and breakfast facility for business people and general visitors to Gillingham. The main access will be from Green Street into a main reception area set behind which will be a café area with an attached kitchenette and serving area. The café, though principally intended for use by residents will also be available for use by the wider public. There will be access from the café area to toilets and to the stairs and lifts providing access to the accommodation on the upper floors.

There will also be access from the service road abutting the site to the north and this entrance will have a security office immediately abutting it. This is intended to provide service access and an alternative means of escape.

Accommodation at first and second floor level will be 12 single bedsits with associated washing, toilet and cleaning faculties with a flight of stairs serving each floor also giving access to the third floor. Third floor accommodation comprises two no: single and two no: double bedsits also with associated washing and toilet facilities.

At the rear of the building and on the site of the existing car park the intention is also to provide a linked two storey building giving secure covered car parking at street level with office and reception space above and which is to be used solely for management purposes of the activities carried out at this building.

The applicants express intention is to uplift the existing building and also to enhance the street scene.

The applicants also advise that there is ample public parking in close proximity to the site with three public car parks close and only a short distance from Gillingham Railway Station.

Consider that given these factors and the existence of on street parking in Green Street that any parking likely to be generated by the proposal will be adequately catered for.

Representations

Neighbour notification letters have been sent to the owners/occupiers of 117/135 (odds) High Street and 45. 47, 57, 63 and 46-52 (evens) Green Street.

Three letters have been received raising the following objections:

- the area already suffers from parking conflicts that will not be helped by further development without car parking; and

- further single person accommodation may add to problems with anti social behaviour that the area is currently subjected to.

Relevant Planning History:

MC2000/ 1470 Change of use of ground floor offices to restaurant (A3)and construction of external flue
Approved 3rd January 2001

MC2000/1471 Change of use of first and second floor offices to 2 no: 1 bed flats and 2 no: 2 bed flats
Approved 3rd January 2001

MC2001/1807 Change of use of ground floor from offices to soft play activity centre for 40 children
Approved 24th January 2002

MC2003/1530 Erection of further floor and recladding of building to provide 18 bedsits along with provision of new shop front
Withdrawn 3rd September 2003

Development Plan Policies

PPG3, PPG6, PPG13

Kent Structure Plan 1996

Policy ENV15	Kent's Built Environment

Medway Local Plan 2003

Policy BNE1	Built Development
Policy BNE2	Amenity protection
Policy BNE3	Noise standards
Policy BNE8	Security and Personal safety
Policy H4	Housing in urban areas
Policy H5	High density housing
Policy CF1	Community facilities
Policy T1	Impact of development

Policy T13 Vehicle parking standards

Kent and Medway Structure Plan 2003

Policy QL1 Quality of development and design
Policy QL5 Quality and density of development

Planning Appraisal

Policy considerations:

Although the site abuts the core retail area of Gillingham immediately to the north, the immediate area is in mixed commercial, social and entertainment uses, some of which operate late at night.

The key concerns are therefore whether the proposed conversion and extension of the building is acceptable in design terms having regard to their impact on the character and setting of the locality. There is also the need to assess whether the amenities of the future residents will be properly safeguarded taking into account the nature of the surroundings. The final concerns relate to highways and parking issues and loss of a community facility in the form of a soft play area.

Principle of proposed uses:

Dealing first with the ground floor use, though the area involved is small, the proposal involves the loss of a community facility in the form of a soft play area. However given that the replacement of what is a relatively small facility with a significant number of much needed small units of accommodation, it is considered in the absence of any other overriding objections to the proposal that this represents a positive gain that balances in favour of the proposal. The proposal also intends to provide a ground floor cafe area which will be available for use both by residents and members of the public generally. No objection to this is identified as the ground floor use of the premises for an A3 use has already been permitted under ref:MC2000/1470 and which took into account the commitment to use the upper floors for residential accommodation allowed under MC2000/1471.

The loss of use of the upper floors from offices could have some impact on local employment. However the principle of such a loss has already been accepted when planning permission was granted for the conversion of the upper offices areas to flats under ref:.MC2000/1471. Furthermore the use of the building will continue to have some employment potential with office, supervisory and ancillary workers being required to carry out operations from the building. It is considered that the proposal will permit the optimal use of the building in housing terms with the provision of much needed small units of accommodation in line with the provisions of PPG3 and policies H4 and H5 of the adopted local plan very close to Gillingham Town Centre and is clearly acceptable in principle.

Design and siting considerations:

The building in its current form, which is not assisted by its generally run down and dilapidated condition, is out of character with the general appearance of the locality and materially assists in harming the visual amenities of the locality all the while it remains in its current condition. Consequently the insertion of an additional floor as proposed and changes to the exterior of the building to give it a crisp modern appearance that will bring about a

substantial visual upgrade to the Green Street frontage and properties backing onto and overlooking the site in Gillingham High Street and can be supported on design and siting grounds.

Building over the existing car park at the rear to provide a secure parking area with management offices above will also bring about a substantial visual improvement to the locality and go some way to improving the frontage appearance of the service road that runs along the north of the site and to the rear of properties in Gillingham High Street.

It is therefore considered that given the above, the proposed development can be seen to maximise the development potential the site in a manner that can be seen to meet the density requirements of PPG3 and policy H5 of the adopted local plan. It can also be seen to comply with the design and siting requirements of PPG's 1 and 3, policy ENV15 of the Kent Structure Plan, S4 and BNE1 of the adopted local plan and QL1 and QL5 of the Kent and Medway Structure Plan (Deposit Version) 2003.

Noise Considerations:

The site abuts the core area of Gillingham and is close to potentially noisy late night activities. However planning permission has already been granted for the residential use of the upper floor and given the provisions of PPG6 seeking to encourage residential uses in or close to town centres in order to assist the night time economy no objection is identified. It will however be necessary to ensure that sound attenuation measures are in place, which can be made the subject of a condition in order to achieve an acceptable aural environment for future occupants.

Highways and parking:

The building, were it to continue in office use, would have a significant potential for traffic generation and car parking. The use of the site for bedsits, ancillary offices and a restaurant, given the proximity of the site to the town centre, with its wide range of services and public transport provision, is likely to mean that parking and traffic generated by the proposed uses will result in a betterment compared to the existing office use of the building.

The proposal is therefore considered to meet the provisions of PPG13 and policies T1 and T13 of the adopted local plan.

Security and personal safety:

The proposed use and location of the site mean that the applicants need to show that they have given proper consideration to these issues in order to be seen to satisfy policy BNE8 of the adopted local plan. The main entrance off Green Street will be in full view and no security concerns are identified here. A security office flanks the entrance to the flats off the service road while the entrance itself can be well lit with the absence of 'hidden' areas that will discourage crime and improve the perception of security. The proposed secure car parking will also assist in this respect. It is therefore considered that the proposal can be seen to meet the terms of policy BNE8 of the adopted local plan in a manner that is visually acceptable while proportionate to the meet the likely level of risk.

Conclusion

The proposal will make a material contribution to the stock of small housing units in line with the provisions of PPG3 and the policies contained within the adopted local plan while the proposed external changes will bring about a substantial upgrade in the appearance of this building and its impact on the wider locality.

The application would normally be determined under delegated powers but is being referred to committee due to the extent of representations received contrary to the recommendation.

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5 MC2003/2228

Date Received: 22nd October 2003

Location: Site adjoining 41 Wyles Street, Gillingham, Kent, ME7 1NB

Proposal: Construction of four houses (two pairs) with associated parking (demolition of existing lock-up garages)

Applicant: Mr & Mrs Rich C/O The Agent

Agent: Mr P.G. Hooper Greenvale Design Consultants The Old Farmhouse Lower Hartlip Road Hartlip Sittingbourne Kent ME9 7SU

Ward: Gillingham North

Recommendation - Approval with Conditions

1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

2 Details and samples of any materials to be used externally and any means of enclosure shall be submitted to and agreed in writing by the Local Planning Authority before development is commenced and development shall be carried out in accordance with the approved details.

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 (or any Order revoking and re-enacting that Order with or without modification) no windows shall be installed in the flank walls of plots 1 and 4 herein approved without the prior written approval of the Local Planning Authority.

4 Prior to the commencement of development, a scheme of boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the first occupation of any of the dwellings hereby approved and shall be maintained as such at all times thereafter.

5 Prior to the commencement of development, a plan showing the access and parking layout, including details of surfacing and demarcation of spaces, shall be submitted to and approved in writing by the Local Planning Authority.

6 Prior to the first occupation of any of the dwellings hereby aproved the vehicular access, turning and parking spaces shown on the plans approved pursuant to condition 5 above shall be provided in accordance with these approved details and made available for such use, including the removal of the bollard currently at the front of the site. Thereafter they shall be kept available for this use in connection with the dwellings hereby approved (a minimum of one parking space per dwelling) and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or

re-enacting that Order) or not shall be carried out on the land so shown or in such a position as to preclude vehicular access to it.

7 Vision splays of 2.0 metres x 2.0 metres shall be provided on both sides of the vehicular access points onto Wyles Street and no obstruction of sight more than 0.6 metres above carriageway level shall be permitted within the splays.

8 Prior to commencement of the development hereby permitted an investigation shall be undertaken to determine the nature and extent of any contamination. The results of the investigation together with a risk assessment by a competent person and details of a scheme to contain, treat or remove any contamination as appropriate, shall be submitted for the written approval of the Local Planning Authority. The approved scheme shall be fully implemented and a completion report issued by the competent person referred to above, stating how remediation has been completed and that the site is suitable for the permitted use, shall be provided to the Authority prior to first occupation of the development hereby permitted.

Site Description

This site formerly contained two rows of lock-up garages, some of which were in a very poor state of repair. The garages have recently been demolished and the site now consists of a flat open piece of land. Two trees near the frontage with the pedestrian section of Wyles Street were removed some months ago.

Vehicular access to the site is from the south-west corner, at the junction of Wyles Street and Charter Street. The remainder of the western side of the site adjoins the pedestrian section of Wyles Street. To the north the site adjoins the pub garden of the Brickmakers Arms. To the south is the end of a terrace of houses. To the east is the rear of properties in The Ridgeway, however these houses are over 5m lower than the application site, there being a large drop in land levels (in effect a cliff face) at the rear of the site.

Proposal

This is a full application for the erection of four 2-bedroomed houses, consisting of two semi-detached pairs. Access and a communal parking area providing five spaces are to be located at the southern end of the site. The houses face on to the pedestrian section of Wyles Street. Each pair has a single storey central gable feature containing a WC and entrance hall with the main roof ride behind running side to side with gable ends. Materials are shown as render to the ground floor with plain tiles to the first floor and roof. The houses are set 2m back from the site frontage with rear gardens varying from 9m to 12m in depth due to the uneven shape of the site. The houses are a minimum of 1.2m from the northern site boundary. There is 2m between the two pairs and 7.8m to the southern boundary. The vehicular access and parking is proposed to the southern part of the site.

Relevant Planning History

MC2003/1614 Construction of a terrace of 5, 2-bedroom houses with associated parking (demolition of existing lock-up garages)
Refused 26 September 2003

Representations

The application has been advertised by a site notice and neighbour notification letters have been sent to the owners and occupiers of the following properties: 12a & 14-28 (evens) The Ridgeway, 25, 27, 37, 39 & 41 Wyles Street and 66, 68, 70, 75 & 77 Charter Street.

Four letters have been received from neighbouring residents, including two from the same person, in summary raising the following areas of concern:

- effect on the stability of the retaining wall at the rear of the site, the ownership of this wall is unknown, as is who will upkeep it in the future
- how will Virginia Creeper and Boston Ivy protect the wall and do the developers have rights at the top of the wall?
- due to the height of the retaining wall a 2m high screen fence does not seem adequate (request a brick wall at least) - vehicles will park against it, fences further along have blown down in the past, at present children play on the site, who will maintain it?
- is the land close to the retaining wall safe/suitable for building?
- any problems with the retaining wall and boundary treatment could cause damage or worse to the properties in The Ridgeway to the rear
- the plans do not sure how the parking will be defined as private to ensure the privacy of the owners and those below in The Ridgeway
- loss of privacy to rear, will the 2m high wall be sufficient to protect the privacy of The Ridgeway and who would ensure its maintenance?
- devaluation

Development Plan Policies

Kent Structure Plan 1996

Policy S2	(Environment Strategy)
Policy ENV15	(Built Environment)
Policy ENV16	(Urban Open Space and Town Cramming)
Policy H3	(Housing Development in Existing Urban Areas)
Policy T17	(Parking)

Medway Local Plan 2003

Policy S1	(Development Strategy)
Policy S2	(Strategic Principles)
Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy H4	(Housing in Urban Areas)
Policy T1	(Impact of Development)
Policy T2	(Access to the Highway)
Policy T13	(Vehicle Parking Standards)

Kent & Medway Structure Plan (Deposit Version) 2003

Policy SP1	(Conserving and Enhancing Kent's Environment and Ensuring a Sustainable Pattern of Development)
Policy QL1	(Quality of Development and Design)

Policy TP19 (Vehicle Parking Standards)

Planning Appraisal

The main issues are whether or not the development is:
- acceptable in principle,
- the visual impact,
- the effect on neighbours and
- parking and access matters.

Principle

The site is located within the urban area as defined by the Medway Local Plan 2003 (MLP). The development of the site for residential purposes is therefore acceptable with regard to Policy H4 of this Plan and Policy H3 of the Kent Structure Plan (KSP). Although the loss of the former garages may be regretted there are no planning controls which could have required their retention or use for vehicle parking.

Visual impact

The area surrounding the site primarily consists of terraced houses. The two semi-detached pairs would be located close together and would be fairly small in scale. The position of the site, fronting onto a footpath rather than a roadway, and the detailing on the frontage of the houses will create the feeling of a small mews style of development. It is considered that this will compliment the character of the surrounding area and therefore that the visual impact will be acceptable with regard to Policies S2, ENV15 and ENV16 of the KSP, Policy BNE1 of the MLP and Policy QL1 of the Kent & Medway Structure Plan (Deposit Version) 2003 (the Emerging Structure Plan).

Effect on neighbours

The development will form a continuation of the housing to the south in Wyles Street. However although the proposed houses are positioned further back than no. 41, the nearest house to the south, they are set nearly 8m away from this boundary due to the intervening parking and access area. In these circumstances it is not considered that there would be an unacceptable loss of light or overbearing impact on this neighbouring house.

To the northern side the proposed houses will be close to the pub garden (1.2-1.5m). However this is the rear section of the pub garden and the two storey section of the flank wall of the proposed houses will only be approximately one third of the depth of this joint boundary. In these circumstances it is not considered that there will be an unacceptable loss of amenity to the users of the pub and its grounds. No windows are proposed in the side walls of the houses so this will prevent a loss of privacy to the neighbours either side.

To the rear of the site is a large retaining wall, with the properties behind in The Ridgeway at a much lower level (over 5m lower). As the proposed dwellings would be set back a minimum of 9m from this boundary it is not considered that they will result in any loss of light or overbearing impact on these properties to the rear. The houses in The Ridgeway are approximately 20m away from the retaining wall. Due to the change in levels and the distance between the existing and proposed dwellings there would not be any significant loss of privacy to residents of The Ridgeway. A cross-section has been submitted to demonstrate

this. Subject to the installation of a 2m high rear boundary treatment occupants of the proposed houses are unlikely to have any views of the gardens or ground floors of houses in The Ridgeway although they may be able to see the first floors from their first floor windows. Due to the distance between the two it is not considered that this will cause an unacceptable loss of privacy.

To the front of the site the dwellings would face towards the side garden of 68 Charter Street. There will be approximately 9.6m at the closest point between the first floor bedroom windows (one at the front for each dwelling) and the side boundary wall, with a public area between the two. As this plot is wider than most of the neighbouring properties and there are some trees near the boundary it is not considered that this will result in an unacceptable impact.

In conclusion it is considered that the impact on neighbours is acceptable with regard to Policy BNE2 of the MLP. There may also be other benefits to the redevelopment of the site for residential purposes. Some residents have informally raised problems which were caused by the semi-derelict state of the former garages and the misuse of this area by some people.

Car parking and highway impact

The site lies within an older-style primarily residential area where few properties have off-street parking facilities. The lack of curtilage parking generally means that pressure for on-street spaces is high, especially at night and during weekends. It is therefore considered important that the proposed development includes useable parking provision for the new residents. The previous scheme for five houses on this site, MC/2003/1614, was refused due to the dangers and nuisance caused by an inadequate parking and manoeuvring area.

The current scheme shows five car parking spaces by the southern side of the site. This level of provision accords with current adopted standards, however the layout indicated is not ideal in terms of space standards. Planning conditions will require details of an improved layout and will ensure that the spaces are kept available for use in connection with the proposed development only. Parking within each dwelling boundary would be difficult in this instance as most of the site fronts onto the pedestrianised section of Wyles Street. A suitable boundary treatment will be required by planning condition in order to limit the impact of the use of this parking area on neighbours. The parking and highway impact of the scheme is therefore considered acceptable with regard to Policy T17 of the KSP, Policies T1, T2 and T13 of the MLP and Policy TP19 of the Emerging Structure Plan.

Other matters

Neighbours have raised issues regarding the ownership, stability and effect of development on the retaining wall at the rear of the site. These are not planning matters, however the Principle Building Control Surveyor has confirmed that structural information will be required before any approval will be given under the Building Regulations in order to ensure that the new dwellings will not have an adverse effect on this wall.

The plans show a 2m high screen fence to be set in 1m from the top of the retaining wall. The plans note that this fence will be along the approximate rear line of the former block of garages and that the 1m strip will be used for planting Virginia Creeper/Boston Ivy to protect the wall. Much of the wall is currently covered by a similar mix of plants. As stated above, the structural stability of the wall is not a planning matter, however it is considered essential

that a suitable privacy structure be erected near the top, by the rear boundary of the application site. The 2m high close-boarded fence proposed is considered adequate for this purpose and will be required by planning condition. Maintenance of this fence will also be required by the condition, this being primarily the responsibility of the site owners.

In conclusion, subject to conditions, the development is considered acceptable with regard to regard to the relevant Adopted and Emerging Plan policies.

The application would normally be determined under delegated powers but is being referred to committee to the extent of the representation received contrary to the recommendation

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6 MC2003/2264

Date Received: 28th October 2003

Location: Chatham South School/Chatham Grammar School for boys, Letchworth Avenue, Chatham, Kent, ME4 6NT

Proposal: Application under Regulation 3 of The Town and Country General Planning Regulations 1992 for the erection of 1.98 metre high security fencing and gates

Applicant: Medway Council C/O Steve Gilberthorpe

Agent: Mr S Gilberthorpe Medway Council Design & Surveying ManagerAnnex B, Civic Centre Strood Rochester Kent ME2 4AU

Ward: Chatham Central

Recommendation - Regulation 3 Approval

1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

2 The fencing hereby approved shall be coloured green prior to or at least within one month of being erected on site and shall be retained as such at all times.

3 The boundary fence hereby approved shall be sited in such a manner that the existing boundary hedging and trees are retained.

4 Where trimming back of hedging is required or where existing hedging is less than the height of the fencing hereby permitted, it shall be allowed to grow up to a height of 2 metres above ground level and shall be retained at no less than this height at all times thereafter.

Site Description:

The schools buildings and grounds are sited behind houses fronting onto Maidstone Road but the school grounds extend to form part of the street frontages of Letchworth Avenue, Park Crescent and Walderslade Road. The school boundaries along these road frontages comprise mainly timber spile fencing behind which there are a number of existing trees and some fairly dense lengths of hedging.

Opposite the school grounds fronting the road the site is surrounded by mainly residential development comprising a mix of detached and semi detached houses.

Access to the school grounds are gained from three points with the main access being onto Maidstone Road and the remaining access points onto Letchworth Avenue and Park Crescent.

Proposal:

The proposal is to replace the existing timber spile fencing with black steel palisade security fencing 1.98 metres in height that will completely enclose the whole length of the school frontages onto Letchworth Avenue, Park Crescent and Walderslade Road. The main gates onto Maidstone Road will be replaced with double gates along with the gates onto Letchworth Avenue and Park Crescent.

The applicants advise that the proposed fencing is a further phase in improving school security as the premises are vulnerable to unauthorised access both when the schools are occupied and unoccupied. Furthermore it is considered that the fencing will protect the playing field from vandalism and fly tipping which are causing health and safety concerns to both pupils and staff. Though some trimming of shrubs and trees will be required when the fencing is being erected the fencing will be largely concealed when the foliage re-grows.

Representations:

Neighbour consultation letters sent to the owner/occupiers of the following properties:

1, 1a, 2a, 2 & 33 (consec) Park Crescent, 5 St Stephens Church, 103 and 2-18 (evens) Walderslade Road and 2-8 (evens) & 1, 1a and 1-33 (odds) Letchworth Avenue.

6 letters have been received raising the following objections:

- There is no justification for the fence as the established hedgerow provides adequate security which would be improved if its was allowed to grow and also provided a better wildlife refuge
- The proposed fence will be out of keeping with the locality giving the site an institutional feel and separating it from the community.
- the fencing, far from improving security will have the opposite result taking into account what has happened to similar fencing at the Palmerston Road football ground.
- The justification that the fencing is required to reduce the incidence of fly tipping cannot is not supported as there have been no such cases.
- Regarding the security arguments as the school gates will be left open, unless they are properly supervised unauthorised access will still be able to be obtained via these routes.
- A better solution in visual amenity terms would be to retain hedging and site the fencing behind this at a reduced height of 1.6 metres .
- The colour of the fencing should be green rather than black.

Development Plan Policies:

Circular 5/94 ‘Planning Out Crime’

Kent Structure Plan 1996

Policy ENV15	Kent’s Built Environment
Policy BNE1	Built Development
Policy BNE8	Security and Personal safety
Policy L3	Protection of open space

Kent and Medway Structure Plan 2003:

Policy QL1 Quality of development and design

Planning Appraisal

General considerations:

The key considerations are

- whether the visual impact of the proposed fencing is acceptable in its impact on the street scene and
- whether it represents a proportionate response to the perceived security concerns affecting these schools.

Design and siting:

The existing boundary combination of timber spile fencing, hedging and trees presents a 'soft' aspect to the street scene providing an attractive visual asset that clearly it is desirable to keep in its own right while allowing views through and across to the playing fields beyond.

However the proposed fencing will not result in long term loss of existing hedging as the applicants advise that though some trimming of shrubs and trees will be required when the fencing is being erected the fencing will be largely concealed once foliage is allowed to regrow. Furthermore though the fencing will be higher than the spile fencing that it replaces, given its perforate nature it will still allow views through to the playing fields beyond. Consequently though at the outset the proposed fencing may present a rather stark outline to the street scene in places, subject to conditions requiring it to be coloured green and the existing foliage be retained and allowed to grow up to the height of the proposed fencing, it is considered that there is no overriding visual amenity objection or any harm to the protected open space. The proposal is therefore considered to meet the design and siting provisions contained within policy ENV15 of the Kent Structure Plan, policies BNE1, BNE8 and Policy L3 of the Medway Local Plan 2003 and QL1 of the Kent and Medway Structure Plan (Deposit Version) 2003.

Security considerations:

The design of the built environment can assist in discouraging anti social behaviour and prevent crime. However the response to crime prevention must be proportionate to the perceived level of risk and be seen to satisfy normal visual amenity considerations. It is considered that the design and siting of the proposed fencing is acceptable subject to the conditions set out above. In the circumstances it is considered to represent an acceptable solution to the perceived site security problems in a manner that meets the provisions of circular 5/94 and BNE8 of the Medway Local Plan 2003.

Conclusion:

It is acknowledged that the proposed fencing will, in the short term, bring about a change to the outlook of the occupants of houses overlooking the site. However given the need for schools to secure their site perimeters from unauthorised access and to channel access though a limited number of easily monitored access points, the proposal is considered to

represent the appropriate balance between visual amenity considerations and site security that can be supported. It is accordingly recommended for approval

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7 MC2003/2276

Date Received: 31st October 2003

Location: 63 High Street, Rainham, Gillingham, Kent, ME8 7HS

Proposal: Change of use from charity shop (Class A1) to estate agents (Class A2)

Applicant: Lester Gannon Limited PO Box 207 Bromley Kent BR1 4ZQ

Agent: Mr P Le Gris Michael Parkes Surveyors Waterside Court Neptune Close Rochester Kent ME2 4NZ

Ward: Rainham North

Recommendation - Approval with Conditions

1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

2 A window display appropriate to a shopping parade shall be provided before the use hereby approved is commenced in accordance with details to be submitted to the Local Planning Authority for approval in writing and thereafter maintained for the duration of this use.

Site Description:

The application site is occupied by a part single/part two storey retail unit set in a parade of commercial units fronting the High Street. Both units abutting the application site are in retail use but the wider parade is characterised by a varied mix of A2 (professional and financial services) and A3(food and drink) uses.

Immediately in front of the application site is a forecourt used for car parking which also serves other units in the parade.

The Rainham shopping centre lies immediately to the rear of the application site.

Proposal:

The proposal seeks to change the use of the premises from retail (A1 use) to a residential estate agents (A2 use). Three full time and 1 part staff time will be employed with hours of operation stated as 0900 – 1830 hrs Monday to Fridays, 0900 – 1700 hrs Saturdays and 1000 – 1600 hrs Sundays and Bank Holidays.

Representations

The application has been advertised on site and neighbour notification letters have been sent to the owners/occupiers of 52-58 (evens), 59, 61, 65 and 67a High Street.

4 letters have been received raising the following objections:

- There are already a sufficient number of estate agents to serve the locality and a further estate agent in the core shopping area would detract from the shopping character of the locality and harm its viability.
- A further estate agent would dilute the remaining retail function making it more difficult for retail operators to survive and undermine the Councils policies to promote Rainham as a shopping area.
- The planning permission granted in connection with 59 High Street was only permitted on the basis that the premises would be used as a letting agency and not an estate agency, granting planning permission for a further estate agents now would therefore represent an inconsistent policy approach.

Relevant Planning History:

GL97/0541 59 High Street, Rainham
Change from retail A1 to A2 use(letting agency)
Approved 10th October 1997

Development Plan Policies

Medway Local Plan 2003:

Policy R6 Retailing in Rainham
Policy R17 A2 & A3 changes of use
Policy T1 Impact of development.
Policy T13 Vehicle parking standards

Planning Appraisal

Policy considerations:

The site lies within the core shopping area of Rainham where A1, A2 and A3 uses will be permitted at ground floor level unless the cumulative impact of such uses would begin to have a detrimental impact on the character and retail function of the street block where they are to be located.

Detailed considerations:

The application site lies almost centrally within a parade of commercial properties where out of a total of 12 separate units in this street block, 6 are already in some form of A2 or A3 use. Consequently if planning permission was granted here the proportion of non A1 uses would increase to 7 leaving 5 units remaining in retail use. However given the proximity of the site to the pedestrianised centre and the proportion of units that are already in non retail use, it is considered that it would be difficult to make a compelling case that the change of use proposed would have any further material detrimental impact on the retail viability and appearance of the parade as a whole. It is therefore considered that subject to the imposition

of a condition requiring details of a window display to be submitted and installed, that there is no objection to the location of a further A2 use in this parade.

An objection that has been raised relates to the change of use of 59 High Street to a letting agency granted in 1997 under ref: GL97/0541 subject to a condition that it should only be used for this purpose. However the application specifically sought consent for a letting agency and though a condition was imposed restricting it to this use, the reason the condition was imposed was to make clear what had been approved. Consequently if an application were now made to relax the condition in order to permit unrestricted A2 use of the premises it is considered that it would be difficult to defend in these circumstances.

It is therefore considered that, on balance, there is no sustainable objection to the use of the premises for A2 use which is considered to meet the provisions of policies R6 and R17 of the Medway Local Plan 2003.

Highways and parking:

Given the current retail use of the building and available car parking on the forecourt at the front, it is considered that there will be no material change in highway or parking conditions to the locality arising from A2 use of the premises. The proposal is therefore considered to meet the provisions of policy T1 and T13 of the adopted local plan.

Conclusion:

Though there would normally be concern at loss of an A1 use in the core shopping area, given the changes that have taken place in this parade, it is considered that the preponderance of non retail uses now mean that it would be difficult to making a compelling defence against loss of this unit from retail use. It is therefore considered that, on balance, the proposal can be supported.

The application would normally be determined under delegated powers but is being referred to committee due to the extent of the representations received contrary to the recommendation.

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8 MC2003/2517

Date Received: 26th November 2003

Location: 23 Henry Street, Rainham, Gillingham, Kent, ME8 8HE

Proposal: Demolition of out buildings and construction of three 3-bedroomed terrace houses with associated parking

Applicant: Wedgewood Homes Tower Industrial Estate London Road Wrotham Kent TN15 7NS

Agent: Mr R A Clayton 32 Watling Street Gillingham Kent ME7 2YH

Ward: Rainham North

Recommendation - Approval with Conditions

(as amended by plans and letter received on the 30th January 2004)

1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

2 Details and samples of any materials to be used externally shall be submitted to and agreed in writing by the Local Planning Authority before development is commenced and development shall be carried out in accordance with the approved details.

3 Vision splays of 2.0 metres x 2.0 metres shall be provided on both sides of the vehicular access points and no obstruction of sight more than 0.6 metres above carriageway level shall be permitted within the splays.

4 The use shall not commence until space has been laid out within the site for cars to be parked in accordance with plans hereunder approved by the Local Planning Authority.

5 The development hereby approved shall be constructed at the heights and levels shown on the approved plans.

6 Prior to commencement of the development hereby permitted an investigation shall be undertaken to determine the nature and extent of any contamination. The results of the investigation together with a risk assessment by a competent person and details of a scheme to contain, treat or remove any contamination as appropriate, shall be submitted for the written approval of the Local Planning Authority. The approved scheme shall be fully implemented and a completion report issued by the competent person referred to above, stating how remediation has been completed and that the site is suitable for the permitted use, shall be provided to the Authority prior to first occupation of the development hereby permitted.

7 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. The approved planting stock shall be maintained for a minimum period of five years following its planting and any of the stock that dies or is destroyed within this period shall be replanted in accordance with details to be submitted to and approved in writing by the Local Planning Authority. If any tree or shrub is removed uprooted, destroyed or dies within 5 years from the date of implementation of the approved landscaping scheme then another tree or shrub of the same size or species shall be planted at such time as may be specified in writing by the Local Planning Authority.

Site Description:

The site is a former builders yard that is currently vacant lying within the built confines of Rainham. Henry Street is residential in nature and characterised by a mix of two-storey semi detached and terraced dwellings. Houses are set at varying distances from the road with residents on street parking bays.

Proposal

The intention is to retain the existing house (23 Henry Street) and extend this property to provide a terrace of 3no: 2 bed units designed with projecting porch canopies on the front elevation and conservatories at the rear. Car parking to serve these units will be provided at the front with individual parking areas separated from one another by landscaped strips. The existing access point abutting 29 Henry Street is shown to be retained and will provide access to two parking spaces to serve 23 Henry Street and 2 visitors parking spaces to serve the terraced units.

The applicant has made notes on the submitted plan which advise of the following:

- the former builders merchants use was open 7 days a week though only half days on Sundays;
- that were normal parking standards to be applied to the existing use that this would have required provision for 28 cars and two HGV spaces
- consider that the proposed redevelopment will reduce parking requirements on site

Site Area/Density

Site Area: 0.104 Ha (0.257 acres)
Site Density: 38 dph (15 dpa)

Representations

The appcation has been advertised on site and neighbour notification letters have been sent to the owners and occupiers of 3, 5, 9, 11, 12, 29, 31, 35, 47, 51, 78, 92, 16-36 (evens) Henry Street plus 26, 12, 14 and 16 William Street.

3 letters have been received raising the following objections:

- Previous proposals to develop for site for housing have been refused, Henry Street is a narrow road with a parking problem and further traffic and parking will make situation worse.
- Insufficient parking provision cause further problems and result in overdevelopment of the site.
- No need for further housing in area, more housing will give the area a cramped and overcrowded feel.

2 letters have been received making the following comments:

- Raise no in principle as residential preferable to commercial use while the construction of 3 bedroom houses with parking is more in keeping with the character of the area and recognises the parking difficulties that are experienced in Henry Street.

Relevant Planning History

MC1999/5650 Outline application for pair of 4 bed detached dwellings.
Approved 10th November 1999

MC2000/941 Erection of chalet bungalow and associated works
Refused 15th August 2002.

MC2000/1894 Outline application for a single 4 bed house
Approved 5th March 2001

MC2002/2140 Outline application for the construction of a block of 12 flats
Refused 26 March 2003 – Dismissed on appeal

MC2003/0790 Outline application for the construction of a block of 10 flats (revised application to MC2002/2140)
Refused 13th November 2003

Development Plan Policies

PPG1, PPG3, PPG13

Kent Structure Plan 1996

Policy ENV15	Built Environment
Policy T17	Parking Standards

Medway Local Plan 2003

Policy BNE1	General Principles for built development
Policy BNE2	Amenity protection
Policy BNE23	Contaminated land
Policy H1	New residential development
Policy H4	Housing in urban areas
Policy S4	Landscape and urban design
Policy T1	Impact of development
Policy T13	Vehicle parking standards

Kent & Medway Structure Plan 2003

Policy QL1	Quality of development and design
Policy QL5	Quality and density of development
Policy TP19	Vehicle parking standards.

Planning Appraisal

General Considerations:

The residential nature of the locality and past planning permissions that have been granted for this site, mean that there is no objection to the principle of residential redevelopment. However outline planning permission to redevelop the site for 12 flats submitted under ref:MC2002/2140 was refused and dismissed on appeal.

A revised proposal for 10 flats was submitted under ref: MC2003/0790 seeking to address the concerns raised by the Inspector in dismissing the above appeal. This application was also refused as it was considered to be out of character and overly dominating while the proposed open parking area in front of the development was unacceptable on visual amenity grounds. There was also considered to be insufficient on street parking.

The key concern given the previous site history, is whether the current proposal can be seen to overcomes the reasons for refusal that were identified in connection with the redevelopment of this site for flats and whether the development can proceed without materially affecting the character and appearance of the locality.

Detailed design and siting considerations:

Henry Road comprises a mix of relatively narrow fronted detached, semi detached and terraced houses while almost immediately opposite the site the character of the road is defined by mainly terraced dwellings.

In the circumstances the proposed dwellings now more reflect the character of the road in design, size and siting terms while maintaining an acceptable 'flank to flank' arrangement with existing development abutting the site. The development will as a consequence appear in scale and character with existing development immediately abutting and opposite the site while bringing about a substantial improvement to the locality.

So as to ensure that parking is provided for each dwelling, individual parking spaces are shown provided in front the terraced houses. One of the reasons for the refusal of the proposal for 10 flats was the visual impact of parking on the frontage. However each parking space is now separated by low level landscaping and given the spacing between parking spaces and the softening effect of the proposed landscaping, it is considered that there is no longer any visual amenity objection to the frontage parking as proposed.

Given the above, it is considered that the proposal meets the design and siting tests set out in PPG1, policy ENV15 of the Kent Structure Plan 1996 and polices BNE1, BNE2, H1, H4 and S4 of the Medway Local Plan (Deposit Version 1999) and policy QL1 and QL5 of the Kent & Medway Structure Plan 2003.

Highway and parking considerations:

Dealing first with traffic generation, the Inspector in connection with the dismissed appeal for 12 flats did not consider that the existing commercial use was likely to give rise to significant traffic generation. However traffic generated by three additional dwellings, will not, it is considered result in a material change in traffic conditions compared to the existing lawful use of the site and it considered that there is no sustainable objections on these grounds.

The proposed access point serving the rear parking and turning area will result in traffic movements along the side of 29 Henry Street. However the likely small number of traffic movements involved is unlikely to give rise to any material increase in noise and disturbance compared to the existing commercial use. Subject therefore to the provision of appropriate vision splays at the access point with Henry Street no highway safety objections are identified.

Objections to the proposal also refer to the lack of on site parking and the parking conflict and deterioration in highway safety that will arise as a consequence. The Inspector's comments in connection with the dismissed appeal for 12 flats are considered relevant in this context. He took the view that given the narrowness of Henry Street with parking taking place on pavements that limited on site parking would exacerbate existing unsatisfactory parking conditions. He therefore concluded that parking at 1 space per unit would serve to exacerbate parking conflict in Henry Street further strengthening the impression of overdevelopment of the site.

The current proposal shows 1 parking space serving each of the three terraced units along with the provision for 2 visitors parking spaces to serve these units and two parking spaces to serve 23 Henry Street which are to be sited to the rear and served off the proposed flank access and turning area. The proposed parking provision for 23 Henry Street is considered acceptable while the provision of what amounts to a total of 5 parking spaces to serve the likely parking demands of the 3 terraced dwellings is considered sufficient to meet the concerns the Inspector raised in connection with his perception of the overall parking situation in Henry Street.

In the circumstances the proposal is considered to meet the requirements of PPG13, policy T17 of the Kent Structure Plan and policies T1 and T13 of the Medway Local Plan 2003.

Site contamination:

The past use of the site may have resulted in contamination requiring remediation measures before the use of the site for housing can proceed. Subject to the imposition of a condition requiring a site survey it is considered that this is an appropriate response to meet the requirements of policy BNE23 of the adopted local plan.

Conclusion:

The previous objections to the development of this site, when taking into account the reduced size and scale of proposed development, substantially reflecting the existing development patterns in Henry Street, have it is considered, been overcome. Furthermore when the benefits of developing this 'brownfield' site by the removal of a potentially unneighbourly commercial use sited close to housing, the substantial improvements to the appearance of

the site and provision of small units of family accommodation are taken into account, it is considered that the balance of issues now fall substantially in favour of the proposal.

The application would normally be determined under delegated powers but is being referred to committee due to the extent of the representations received contrary to the recommendation.